REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, the Examiner again rejects claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,830,121 to Enomoto et al., (hereinafter "Enomoto") in view of U.S. Patent No. 6,307,332 to Noguchi et al., (hereinafter "Noguchi").

In response, independent claims 1 and 10-13 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite:

> "the estimating unit determines a secular change amount of the endoscope as a result of the estimation, by adding a first secular change amount of the endoscope based on only the use time and a second secular change amount of the endoscope based on only the number of use times."

Independent claims 10-13 have been similarly amended. The amendment to claims 1 and 10-13 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claims 1 and 10-13.

Applicant respectfully submits that neither Enomoto nor Noguchi teach or suggest the features now expressly recited in independent claims 1 and 10-13.

In the Final Official Action (see page 2, lines 8-13), the Examiner argues that the secular change based on the use time and the secular change based on the number of use times may be calculated separately (as disclosed in column 12, lines 4-8 of Enomoto). Therefore, the Applicant has amended claims 1 and 10-13 by clarifying the feature of determining a secular change amount of the endoscope **by adding** a first secular change amount of the endoscope based on only the use time and a second secular change amount of

the endoscope based on only the number of use times. The Applicant respectfully submits that such features are not disclosed or suggested in either Enomoto or Noguchi.

With regard to the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a), independent claims 1 and 10-13 are not rendered obvious by the cited references because neither the Enomoto patent nor the Noguchi patent, whether taken alone or in combination, teach or suggest a system or method having the features discussed above and recited in independent claims 1 and 10-13. Accordingly, claims 1 and 10-13 patentably distinguish over the prior art and are allowable. Claims 2, 4-8, being dependent upon claim 1, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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